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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

E.C., an infant by his mother and natural  
guardian MABEL VASQUEZ, and MABEL  
VASQUEZ, individually,

Plaintiffs,

-against-

NEW YORK PRESBYTERIAN HUDSON  
VALLEY HOSPITAL, SAMFEE DOE, M.D.,  
THERESA WANG, CNM, AMANDA  
CARELLO, RN, SHIRAH SUERO, RN, SUN  
RIVER HEALTH,

Defendants.

**NOTICE OF REMOVAL**

from the Supreme Court of the  
State of New York, County of  
Westchester, Index No. 58747/2024

Defendants Sun River Health, Samfee Doe, M.D., and Theresa Wang, CNM (“Federal Defendants”), by Damian Williams, United States Attorney for the Southern District of New York, hereby remove the above-captioned action to the United States District Court for the Southern District of New York. The grounds for removal are as follows.

1. Plaintiffs E.C., by his mother and natural guardian, Mabel Vasquez, and Mabel Vasquez, individually (together, “Plaintiffs”) named the Federal Defendants, among others, as defendants in an action filed in the Supreme Court of the State of New York, Westchester

County, Index No. 58747/2024. A copy of the Complaint (“Compl.”) is attached hereto as Exhibit A.

2. Plaintiffs assert a cause of action against the Federal Defendants for medical malpractice. Plaintiffs allege that from September 17 to 19, 2021, the defendants rendered medical care to the Plaintiffs. *See* Compl. ¶¶ 16–25. Plaintiffs allege that the medical care that was rendered constituted medical and nursing malpractice, alleging that the defendants failed to properly diagnose, manage, and/or treat Plaintiffs during pregnancy, labor, and delivery. *Id.* ¶ 26. As a result of this alleged negligence, Plaintiffs claim that they have been severely damaged, both psychologically and physically. *Id.* ¶¶ 33–34. Plaintiffs further allege that defendants failed to fully inform them of the risks, hazards, and complications of the treatment rendered by the defendants, and that the lack of informed consent is a proximate cause of the alleged injuries. *Id.* ¶ 36–37. Finally, they allege that, as a result of defendants’ alleged negligence, plaintiff Mabel Vasquez has incurred expenditures for medical treatment and care for plaintiff E.C., and that she has been and will be deprived of the comfort, companionship, and services of plaintiff E.C. *Id.* ¶ 40. Plaintiffs seek unspecified damages “in excess of the jurisdictional limits of all lower courts.” *Id.* ¶ 40.

3. Pursuant to the Public Health Service Act, as amended by the Federally Supported Health Centers Assistance Act of 1992 and 1995, 42 U.S.C. § 201 *et seq.*, during the relevant period, Samfee Doe, M.D., and Theresa Wang, CNM, were deemed to be employees of the United States Public Health Service for purposes of civil actions seeking damages for personal injury resulting from the performance of medical, surgical, dental, or related functions. *See* 42 U.S.C. § 233(a), (g)–(h); Ex. B, Certification of Damian Williams, United States Attorney for the Southern District of New York, dated July 10, 2024 (the “Williams Certification”).

4. The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2401(b), and 2671–2680, provides the exclusive remedy with respect to Plaintiffs’ claims against the Federal Defendants. *See* 42 U.S.C. § 233(a).

5. This action may be removed to this Court pursuant to 42 U.S.C. § 233(c) because: (i) trial has not yet been had of this action; and (ii) this is a civil action brought against one or more employees of the United States Public Health Service acting within the scope of their employment. As set forth in the Williams Certification, Samfee Doe, M.D., and Theresa Wang, CNM, were employees of the United States Public Health Service and were acting within the scope of their employment for purposes of Plaintiffs’ claim against them. *See* Ex. B.

6. All other defendants who have been properly served are not required to consent to the removal of this case to federal court because Samfee Doe, M.D., and Theresa Wang, CNM, have a statutory right to remove under 42 U.S.C. § 233(c).

7. Samfee Doe, M.D., and Theresa Wang, CNM, will promptly file a copy of this Notice of Removal with the Clerk of Court, Supreme Court of the State of New York, County of Westchester.

8. The submission of this Notice of Removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by Samfee Doe, M.D., and Theresa Wang, CNM. This Office makes a limited appearance on behalf of Samfee Doe, M.D., and Theresa Wang, CNM, solely for the purpose of removal of this action. This submission does not constitute a waiver of any defense available to Samfee Doe, M.D., and Theresa Wang, CNM, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

Dated: July 16, 2024  
New York, New York

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